

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA

v.

2:07CR21

LEVOID KITTRELL,

Defendant.

REPORT AND RECOMMENDATION  
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty plea to conspiracy to make false claims against the United States, in violation of 18 U.S.C. § 236 & 2. Defendant is also charged with making false claims against the United States (Counts 2 through 11), in violation of 18 U.S.C. § 287 & 2. Defendant understands that these charges will be dismissed upon acceptance of his guilty plea, and the United States confirmed defendant's understanding.

On March 23, 2007, defendant appeared before the Court for the purpose of entering his guilty plea. He was represented by appointed counsel, Larry M. Dash, Esquire. Defendant was appropriate in appearance, responsive, and competently prepared for the hearing. He answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly understood the seriousness of his position. At the close of the proceeding, defendant was remanded to the

custody of the United States Marshal, pending completion of a presentence report.

Defendant is forty-three years of age, graduated from high school, and speaks English as his native language. There was no evidence that he was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered the guilty plea pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his plea accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offense charged is supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty plea be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Norfolk, Virginia

\_\_\_\_\_/s/\_\_\_\_\_  
**James E. Bradberry**  
**United States Magistrate Judge**

March 28, 2007

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of the following:

Larry M. Dash, Esquire  
Federal Public Defender's Office  
Town Point Center, Ste. 403  
150 Boush Street  
Norfolk, VA 23510

Robert J. Krask, Esquire  
Assistant United States Attorney  
United States Attorney's Office  
101 West Main Street, Suite 8000  
Norfolk, VA 23510

Fernando Galindo, Acting Clerk

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_, 2007